

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 9516-186-228	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below	
International application No. PCT/US04/37084	International filing date (day/month/year) 04 November 2004 (04.11.2004)	(Earliest) Priority Date (day/month/year) 06 November 2003 (06.11.2003)
Applicant CEL GENE CORPORATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the Report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. _____



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

Form PCT/ISA/210 (first sheet) (January 2004)

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PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
ANTHONY M. INSOGNA
JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION
(PCT Rule 44.1)

Applicant's or agent's file reference 9516-186-228	Date of mailing (day/month/year) FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US04/37084	International filing date (day/month/year) 04 November 2004 (04.11.2004)
Applicant CEL GENE CORPORATION	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

 For more detailed instructions, see the notes on the accompanying sheet.
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☒ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
☒ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Reminders**
 Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

 The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

 Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

 In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

 See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P O Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer <div style="text-align: center;">  Vickie Kim </div> Telephone No. 571-272-1600
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Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 98/06233

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 A61K38/19 A61K48/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 95 21864 A (LUDWIG INST CANCER RES ;NICHOLSON SANDRA ELAINE (AU); LAYTON JUDIT) 17 August 1995 see page 4, line 14 - page 9, line 29 ---	12-22
A	AHARINEJAD S ET AL: "CSF -1 treatment promotes angiogenesis in the metaphysis of osteopetrotic (toothless, tl) rats." BONE, (1995 MAR) 16 (3) 315-24. JOURNAL CODE: ASR. ISSN: 8756-3282., XP002094806 United States see the whole document --- -/-	1-11

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"Z" document member of the same patent family

Date of the actual completion of the international search

25 February 1999

Date of mailing of the international search report

15/03/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Sitch, W

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 98/06233

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	ITO W D ET AL: "MONOCYTE CHEMOTACTIC PROTEIN-1 INCREASES COLLATERAL AND PERIPHERAL CONDUCTANCE AFTER FEMORAL ARTERY OCCLUSION" CIRCULATION RESEARCH, vol. 80, no. 6, June 1997, pages 829-837, XP002074060 see page 829 see abstract	
P,X	----- BUSCHMANN, IVO ET AL: "GM- CSF promotes collateral artery growth via prolongation of macrophage survival." JOURNAL OF MOLECULAR AND CELLULAR CARDIOLOGY, (JUNE, 1998) VOL. 30, NO. 6, PP. A126. MEETING INFO.: XVI WORLD CONGRESS OF THE INTERNATIONAL SOCIETY FOR HEART RESEARCH: CARDIOVASCULAR BIOLOGY AND MEDICINE INTO THE 21ST CENTURY ISSN: 0022-2828., XP002094807 see abstract 494 -----	1-11

INTERNATIONAL SEARCH REPORT

International application No.

PCT/EP 98/06233

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Remark: Although claims 1, 3-8, 11, 12, 14-21 partially and claim 10 completely are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 98/06233

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9521864 A	17-08-1995	AU 700798 B	14-01-1999
		AU 1915395 A	29-08-1995
		CA 2182494 A	17-08-1995
		EP 0749445 A	27-12-1996
		JP 9508799 T	09-09-1997

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/37084

A. CLASSIFICATION OF SUBJECT MATTER IPC(7) : A61K 31/4035, 31/52, 31/522, 38/19, 48/00 US CL : 514/234.2, 263.37, 417, 251, 283, 241 According to International Patent Classification (IPC) or to both national classification and IPC																				
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) U.S. : 514/234.2, 263.37, 417, 251, 283, 241 Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) Please See Continuation Sheet																				
C. DOCUMENTS CONSIDERED TO BE RELEVANT <table border="1"> <thead> <tr> <th>Category *</th> <th>Citation of document, with indication, where appropriate, of the relevant passages</th> <th>Relevant to claim No.</th> </tr> </thead> <tbody> <tr> <td>Y</td> <td>US2003/0187052 A1(MULLER et al) 02 Octobre, 203(02.10.2003), see full text.</td> <td>1, 2, 5-11</td> </tr> <tr> <td>Y</td> <td>WO99/17798(BUSCHMANN et al) 15 April 1999(15.04.1999), see full text.</td> <td>1-29</td> </tr> <tr> <td>Y</td> <td>US6,589,950B1 (COLLINGWOOD et al) 08 July 2003(08.07.2003), see full text.</td> <td>1, 2, 5-11</td> </tr> <tr> <td>Y, P</td> <td>US2004/0067953 A1 (STEIN et al) 08 April 2004(08.04.2004), see full text.</td> <td>1, 4, 21-29</td> </tr> <tr> <td>Y, P</td> <td>US2004/0242578A1 (BOLOOR et al) 02 December 2004 (02.12.2004), see full text.</td> <td>1, 3, 12-20</td> </tr> </tbody> </table>			Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.	Y	US2003/0187052 A1(MULLER et al) 02 Octobre, 203(02.10.2003), see full text.	1, 2, 5-11	Y	WO99/17798(BUSCHMANN et al) 15 April 1999(15.04.1999), see full text.	1-29	Y	US6,589,950B1 (COLLINGWOOD et al) 08 July 2003(08.07.2003), see full text.	1, 2, 5-11	Y, P	US2004/0067953 A1 (STEIN et al) 08 April 2004(08.04.2004), see full text.	1, 4, 21-29	Y, P	US2004/0242578A1 (BOLOOR et al) 02 December 2004 (02.12.2004), see full text.	1, 3, 12-20
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Date of the actual completion of the international search 25 July 2005 (25.07.2005)		Date of mailing of the international search report 09 AUG 2005																		
Name and mailing address of the ISA/US Mail Stop PCT, Attn. ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230		Authorized officer <i>Jennifer Shubert</i> Vickie Kim Telephone No. 571-272-1600																		

Form PCT/ISA/210 (second sheet) (January 2004)

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US04/37084

Continuation of B. FIELDS SEARCHED Item 3:
REGISTRY, CAPLUS, USPATFUL, WEST, PCTFUL
structure searched and term searched: asbestos, asbestosis, pleural effusion, bronchogenic carcinoma, indolines, etc

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